

**DEPARTMENT OF THE TREASURY
FEDERAL LAW ENFORCEMENT TRAINING CENTER
GLYNCO, GEORGIA 31524**

FLETC DIRECTIVE (FD)

Number: 67-92.D

Subject:

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DRUG-FREE WORKPLACE PLAN

1. PURPOSE. The purpose of the Federal Law Enforcement Training Center (FLETC) Drug-Free Workplace Plan is to set forth objectives, policies, and implementation guidelines to achieve a drug-free Federal workplace, consistent with the law and Executive Orders.
2. SCOPE. This directive, subject to the conditions specified herein, applies to: all FLETC personnel occupying positions designated in the Attachment, Positions Designated For Random Testing; all candidates for those positions; all personnel occupying positions when those positions may be subsequently designated as sensitive; those personnel for which there exists a reasonable suspicion of drug use; those personnel who volunteer for testing; and those personnel who have completed counseling or a rehabilitation program for illegal drug use.
3. CANCELLATION. FD 67-92.D, Drug-Free Workplace Plan, dated July 14, 1987 is superseded.
4. REFERENCES.
 - a. Section 503 of the Supplemental Appropriations Act of 1987, Public Law (PL) 100-71, 101 Stat. 391, 468-471, codified at 5 United States Code (U.S.C.) §7301 note (1987);
 - b. Section 628 of the Treasury, Postal Service, and General Government Appropriations Act of 1989, PL 100-440, as amended;
 - c. Civil Service Reform Act of 1978, PL 95-454;
 - d. 42 U.S.C. Part II;
 - e. The Privacy Act of 1974 (5 U.S.C. Section 552a), prescribing requirements governing the maintenance of records by agencies pertaining to the individuals and access to these records by the individual(s) to whom they pertain;

- f. Federal Employees Substance Abuse Education and Treatment Act of 1986, PL 99-570;
- g. Executive Order (EO) 12564;
- h. EO 10450;
- i. Mandatory Guidelines for Federal Workplace Drug Testing Programs which includes Scientific and Technical Requirements and Certification of Laboratories Engaged in Urine Drug Testing, 53 FR 11970 (1988) as revised (1994).
- j. 5 Code of Federal Regulations (CFR) 792, Subpart A, Regulatory Requirements for Alcoholism and Drug Abuse Programs and Services for Federal Civilian Employees;
- k. 42 CFR Part 2, establishing requirements for assuring the confidentiality of alcohol and drug abuse patient treatment records; and
- l. 49 CFR Part 10, implementing the Privacy Act of 1974 within the Department of the Treasury.

5. BACKGROUND.

a. On September 15, 1986, President Reagan signed EO 12564 establishing the goal of a drug-free Federal workplace. The Order made it a condition of employment for all federal employees to refrain from using illegal drugs on or off duty. In a letter to all executive branch employees dated October 4, 1986, the President reiterated his goal of ensuring a safe and drug-free workplace for all federal workers.

b. The EO recognized that illegal drug use is seriously impairing a portion of the national work force, resulting in the loss of billions of dollars each year. As the largest employer in the nation, the Federal Government has a compelling proprietary interest in establishing reasonable conditions of employment. Prohibiting employee drug use is one such condition. The Department of the Treasury is concerned with the well-being of its employees, the successful accomplishment of agency missions, and the need to maintain employee productivity. The intent of the policy is to offer a helping hand to those who need it, while sending a clear message that any continued illegal drug use is, quite simply, incompatible with federal service.

c. On July 11, 1987, Congress passed legislation affecting implementation of the EO under Section 503 of the Supplemental Appropriations Act of 1987, PL

100-71, 101 Stat. 391, 468-471, codified at 5 U.S.C. §7301 note (1987), (hereafter, the "Act"), in an attempt to establish uniformity among federal agency drug testing plans, reliable and accurate drug testing, employee access to drug testing records, confidentiality of drug test results, and centralized oversight of the Federal Government's drug testing program.

d. The mission of the FLETC is to serve as the focal point for virtually all of the U.S. Government's law enforcement training; the two major exceptions are the Federal Bureau of Investigation and Drug Enforcement Administration. It is essential that the FLETC be able to exercise broad discretion in controlling work-related conduct of employees charged with maintaining the integrity of the training mission. Drug usage impairs the objectives of maintaining a vigorous and alert workforce; erodes the required and established high moral standards for individuals working in the field of law enforcement; and is consequently unacceptable behavior. As role models for law enforcement students and because of the access to investigative techniques, it is imperative that the FLETC prevent and eliminate illegal drug use in its workplace.

e. The mark of a successful drug-free workplace program also depends on how well the FLETC can inform its employees of the hazards of drug use, and on how much assistance it can provide drug users. Equally important is the assurance to employees that personal dignity and privacy will be respected in reaching the FLETC's goal of a drug-free workplace. Therefore, this plan includes policies and guidelines for: (1) employee assistance; (2) supervisory training; (3) employee education; and (4) identification of illegal drug use through drug testing on a carefully controlled and monitored basis.

6. DEFINITIONS.

a. Applicant means any individual tentatively selected for employment with the FLETC including any individual in the FLETC who has tentatively been selected for a testing designated position and who has not, immediately prior to the selection, been subject to random testing.

b. Drug Program Coordinator means the individual responsible for implementing, directing, administering, and managing the drug program.

c. Employee Assistance Program (EAP) means the FLETC employee counseling services program that offers assessment, short-term counseling, and referral services to employees for a wide range of drug, alcohol, and mental health problems, and monitors the progress of employees while in treatment.

d. Employee Assistance Program Coordinator means the individual designated by the FLETC Personnel Officer to be responsible for implementing and operating the EAP within the FLETC, by arranging for counseling, treatment, and education services to employees and supervisors regarding the EAP.

e. Employees in Sensitive Positions means:

(1) FLETC employees or Participating Organization employees who are detailed for a period of at least one year in positions designated by the Director, FLETC, as sensitive in accordance with EO 10450, as amended.

(2) Employees granted access to classified information or who may be granted access to classified information pursuant to a determination of trustworthiness by the Director, FLETC, under Section 4 of EO 12356.

(3) Individuals serving under Presidential appointments.

(4) Law enforcement officers as defined in 5 U.S.C. §§8331(20) and 8401(17).

(5) Other positions that the Director determines involve law enforcement, national security, the protection of life and property, public health or safety, or other functions requiring a high degree of trust and confidence.

f. Illegal Drugs means a controlled substance included in Schedule I or II, as defined by section 802(6) of Title 21 of the U.S.C., the possession of which is unlawful under Chapter 13 of that Title. The term "illegal drugs" does not mean the use of a controlled substance pursuant to a valid prescription or other uses authorized by law.

g. Management Official means an employee required or authorized by the FLETC to formulate, determine, or influence the policies of the FLETC. 5 U.S.C. §7103 (a)(II).

h. Medical Review Officer means the individual responsible for receiving laboratory results generated from the FLETC Drug-Free Workplace Program. He/she must be a licensed physician with knowledge of substance abuse disorders and the appropriate medical training to interpret and evaluate all positive test results together with an individual's medical history and any other relevant biomedical information.

i. Random Testing means a system of drug testing imposed without individualized suspicion that a particular individual is using illegal drugs. Random

testing may either be a uniform, unannounced testing of testing-designated employees occupying a specified area, element or position, or may be a statistically random sampling of such employees based on a neutral criterion, such as social security numbers.

j. Supervisor means an employee having authority to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove other employees, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature, but requires the consistent exercise of independent judgement. 5 U.S.C. §7103 (a)(IO).

k. Testing Designated Positions means employment positions within the FLETC which have been designated for random testing under this plan.

l. Verified Positive Test Result means a test result that has been (1) screened positive by an FDA-approved immunoassay test, (2) confirmed by a Gas Chromatography/Mass Spectrometry assay or other confirmatory test approved by the Department of Health and Human Services (HHS), (3) evaluated by the Medical Review Official and (4) determined by him/her to be unjustified under this plan.

7. POLICIES.

a. The FLETC will be a workplace free from the illegal use, possession, or distribution of controlled substances (as specified in Schedules I through V, as defined in 21 U.S.C. 802(6) and listed in Part B, Subchapter 13 of the Title) by its officers and employees. The possession and distribution of controlled substances will be dealt with promptly in accordance with legal and administrative disciplinary procedures. The FLETC's policy's primary goal is to ensure that illegal drug use is eliminated and that the FLETC workplace be safe, healthful, productive, and secure.

b. All sensitive positions which meet one or more of the following criteria are covered under the random testing program: direct involvement with law enforcement training program development or delivery; supervision of individuals involved with law enforcement program development or delivery; responsibility for security, safety, or health of students or staff; involvement with classified matters; or development of policies relating to any of the above.

8. NATURE, FREQUENCY, AND TYPE OF DRUG TESTING TO BE INSTITUTED. The FLETC plan includes the following classes of urinalysis drug testing: (1) applicant testing; (2) random testing of employees in testing designated positions; (3) reasonable suspicion testing; (4) accident or unsafe practice testing; (5) voluntary testing; and (6)

testing as part of or as a follow-up to counseling or rehabilitation. At least 30 percent of employees representing the testing designated positions will be selected annually for random testing. To achieve a drug free workplace under the EO, the Director reserves the right to increase or decrease the frequency of testing based on the FLETC mission, need, availability of resources, and experience in the program, consistent with the duty.

9. DRUGS FOR WHICH INDIVIDUALS ARE TESTED. Drugs which will be tested for are as follows: Marijuana, Cocaine, Opiates, Amphetamines, and Phencyclidine.

10. UNION COOPERATION. The support of Union officers and stewards who represent employees concerning working conditions and personnel policy will be actively sought in creating employee confidence in management's policy as it relates to a drug-free workplace.

11. EMPLOYEE ASSISTANCE PROGRAM (EAP).

a. The FLETC EAP plays an important role in preventing and resolving employee drug use by: (1) demonstrating the FLETC's commitment to preventing and eliminating illegal drug use; (2) providing employees an opportunity, with appropriate assistance, to discontinue their drug use; (3) providing educational materials to supervisors and employees on drug use issues; (4) assisting supervisors in confronting employees who have performance and/or conduct problems and making referrals to appropriate treatment and rehabilitative facilities; and (5) follow-up with individuals during the rehabilitation period to track their progress and encourage successful completion of the program. The EAP, however, shall not be involved in the collection of urine samples or the initial reporting of test results. Specifically, the EAP shall:

(1) Provide counseling and assistance to employees who self-refer for treatment or whose drug tests have been confirmed positive, and monitor the employees' progress through treatment and rehabilitation.

(2) Provide needed education and training to all employees of the FLETC on types and effects of drugs, symptoms of drug use and its impact on performance and conduct, relationship of the EAP with the drug testing program, and related treatment, rehabilitation, and confidentiality issues.

(3) Ensure that confidentiality of test results, related medical treatment, and rehabilitation records is maintained in accordance with paragraph 22.

b. Referral and Availability. Any employee found to be using drugs shall be referred to the EAP Coordinator. The EAP shall be administered separately from the testing program and shall be available to all employees without regard to a finding of

drug use. The EAP Coordinator shall arrange for counseling or rehabilitation for all referrals, as well as for education and training regarding illegal drug use. In the event the employee is not satisfied with the program of treatment or rehabilitation, such employee may seek review of the EAP Counselor's referral by notifying the EAP Coordinator prior to completion of the program. The decision of the EAP Coordinator shall be final and shall not be subject to further administrative review. Regardless of the treatment program chosen, the employee remains responsible for successful completion of the treatment. Assertions that the counselor failed to consider proper factors in making a referral shall not constitute either an excuse for continuing to use illegal drugs or a defense to disciplinary action if the employee does not complete treatment.

c. Leave Allowance. Employees shall be allowed up to one hour of excused absence for each counseling session and up to a maximum of four hours of counseling during the assessment/referral phase of rehabilitation. (Additional time may be authorized to cover travel time.) Absences beyond the excused time during duty hours for rehabilitation or treatment must be charged to the appropriate leave category in accordance with law and leave regulations.

d. Records and Confidentiality. All EAP operations shall be confidential in accordance with paragraph 22 of the plan relating to records and confidentiality.

e. Structure. The Personnel Division (PER) shall be responsible for oversight and implementation of the FLETC EAP and provide, with the support of the Director, FLETC, high level direction and promotion of the EAP. Functions under contract (laboratory procedures, parts of the employee assistance program, and drug education program) will be performed under the administration of the PER. As the technical representative, the PER will ensure that contractors chosen to perform the drug screening tests are duly certified pursuant to the HHS guidelines and that all contracts conform to the technical specifications of the HHS guidelines.

12. SUPERVISORY TRAINING.

a. As supervisors have a key role in establishing and monitoring a drug-free workplace, the FLETC shall provide training to assist supervisors and managers in recognizing and addressing illegal drug use by employees. The purpose of supervisory training is to understand (1) policies relevant to work performance problems, drug use, and the FLETC EAP; (2) responsibilities of offering EAP services; (3) how employee performance and behavioral changes should be recognized and documented; (4) the roles of the medical staff, supervisors, personnel, and EAP personnel; (5) the ways to use FLETC EAP; (6) the connection between EAP and the performance appraisal and

disciplinary processes; and (7) the process of reintegrating employees into the workforce.

b. The PER shall be responsible for implementing supervisory training and for developing a training package to ensure that all employees and supervisors are fully informed of the FLETC Drug-Free Workplace Plan.

c. Mandatory supervisory training shall be provided as soon as possible after a person assumes supervisory responsibility. Training courses will include overall FLETC policy; statistics on the prevalence of various employee problems with respect to drugs and alcohol; the EAP and its approach to handling problems; ways to recognize employees with possible problems, to document employee performance or behavior, and to approach the employee; how to use the EAP; disciplinary action and removals from sensitive positions as required by Section 5(c) of the EO; reintegration of employees into the workforce; and written materials which the supervisor can use at the work site. Failure to receive training shall not invalidate otherwise proper reasonable suspicion testing.

13. EMPLOYEE EDUCATION. The PER shall offer drug education to all FLETC employees. Drug training/education will include drug types, symptoms of drug use, and the effects of drug use on performance and conduct; the relationship of the EAP to the drug testing program; and other relevant treatment, rehabilitation, and confidentiality issues.

14. SPECIAL DUTIES AND RESPONSIBILITIES.

a. Drug Program Coordinator (DPC). The Personnel Officer, designated as the DPC, has overall program responsibility to carry out the purposes of this plan. The DPC, under general direction of the Assistant Director for Administration, is responsible for implementing, directing, administering, and managing the drug program and for ensuring that the EAP is established to meet the requirements of the drug program. As the principal contact with the laboratory in assuring the effective operation of the testing portion of the program, the DPC shall (1) arrange for all testing authorized under this plan; (2) ensure that all employees subject to random testing receive individual notice as described in paragraph 15b prior to implementation of the program, and that such employees return a signed acknowledgment of receipt form; (3) document, through written inspection reports, all results of laboratory inspections conducted; (4) coordinate with and report to the Director, FLETC, on DPC activities and findings that may affect the reliability or accuracy of laboratory results; (5) publicize and disseminate drug program educational materials and oversee training and education sessions regarding drug use and rehabilitation; (6) upon receipt of a verified positive test result from the Medical Review Officer (MRO), transmit the test result to the

appropriate management official empowered to initiate disciplinary action; (7) assume the lead role in the development, implementation, and evaluation of the EAP; and (8) prepare consolidated reports on the FLETC's EAP activity.

b. EAP Coordinator. The EAP Coordinator shall (1) provide counseling and treatment services to all employees referred to the EAP by their supervisors or through self-referral, and otherwise offer employees the opportunity for counseling and rehabilitation; (2) coordinate with the MRO and supervisors, as appropriate; (3) work with PER to provide educational materials and training to managers, supervisors, and employees on illegal drugs in the workplace; (4) assist supervisors with performance and/or personnel problems that may be related to illegal drug use; (5) monitor the progress of referred employees during and after the rehabilitation period; (6) ensure that training is provided to assist supervisors in the recognition and documentation of facts and circumstances that support a reasonable suspicion that an employee may be using illegal drugs; (7) maintain a list of rehabilitation or treatment organizations which provide counseling and rehabilitative programs and include the following information on each organization: (a) Name, address, and phone number; (b) types of services provided; (c) hours of operation, including emergency hours; (d) the contact person's name and phone number; (e) fee structure, including insurance coverage; (f) client specialization; and (g) other pertinent information.

c. Employee Assistance Counselors. The Employee Assistance Counselors shall (1) serve as the initial point of contact for employees who ask or are referred for counseling; (2) be familiar with all applicable law and regulations, including drug treatment and rehabilitation insurance coverage available to employees through the Federal Employee Health Benefits Program; (3) be trained in counseling employees in the occupational setting and identifying drug use; (4) document and sign the treatment plan prescribed for all employees referred for treatment after obtaining the employee's signature on the plan; and (5) make referrals considering the nature and severity of the problem, location and cost of the treatment, intensity of the treatment environment, availability of inpatient/outpatient care, and the employee's preferences and special needs (such as transportation and child care).

d. Medical Review Official (MRO). The MRO shall: (1) receive all laboratory test results; (2) ensure that an individual who has tested positive has been afforded an opportunity to justify the test result in accordance with paragraph 21d. of this plan; (3) consistent with confidentiality requirements, refer written determinations regarding all verified positive test results to the Personnel Officer, including a positive drug test result form indicating that the positive result is "unjustified," together with all relevant documentation and a summary of findings; (4) confirm with the appropriate personnel official whether an individual who has been tentatively selected for employment with the

FLETC has obtained a verified positive test result; and (5) coordinate with and report to the Director, FLETC, on all activities and findings on a regular basis.

e. Supervisors. Supervisors will be trained to recognize and address illegal drug use by employees. They will be provided information regarding referral of employees to the EAP, procedures and requirements for drug testing, and behavioral patterns that give rise to a reasonable suspicion that an employee may be using illegal drugs. All first-line supervisors shall (1) attend training sessions on illegal drug-use in the workplace; (2) initiate a reasonable suspicion test after first making appropriate factual observations and documenting those observations and obtaining approval from the Director; (3) upon a finding of illegal drug use, refer the employee(s) to the EAP for assistance in obtaining counseling and rehabilitation, and initiate appropriate disciplinary action; and, (4) in conjunction with the Personnel Officer, assist higher-level supervisors in evaluating employee performance and/or personnel problems that may be related to illegal drug use.

15. NOTICES.

a. General Notice. A general notice from the Director announcing the testing program, as required by EO 12564, Section 4(a), will be provided to all employees no later than 60 calendar days prior to the implementation date of the plan. (This general notice received Congressional certification pursuant to Sections 503(a)(1)(A), 503(a)(1)(B), and 503(a)(1)(C) of the Act.) The notice explains the purpose of the Drug-Free Workplace Plan; that the plan will include both voluntary and mandatory testing; that, prior to the commencement of testing, those who hold positions selected for random testing will also receive an individual notice indicating that their position has been designated a testing designated position; the availability and procedures necessary to obtain counseling and rehabilitation through the EAP; the circumstances under which testing may occur; that opportunity will be afforded to submit medical documentation of lawful use of an otherwise illegal drug; that the laboratory assessment is a series of tests which are highly accurate and reliable, and that, as an added safeguard, laboratory results are reviewed by the MRO; that test results verified by the MRO may only be disclosed to the employee, the Personnel Officer or EAP Coordinator, the appropriate management officials necessary to process an adverse action against the employee, or a court of law or administrative tribunal in any adverse personnel action; and that all medical and rehabilitation records in an EAP will be deemed confidential "patient" records and may not be disclosed without the prior written consent of the patient.

b. Individual Notice. In addition to the general notice, an individual notice will be distributed to all employees in testing designated positions further explaining that the employee's position has been designated a "testing designated position"; that

the employee will have the opportunity to voluntarily identify himself/herself as a user of illegal drugs and to receive counseling or rehabilitation, in which case disciplinary action is not required; and that the employee's position will be subject to random testing no sooner than 30 calendar days after the notice date.

c. Signed Acknowledgment.

(1) Each employee in a testing designated position shall be required to acknowledge in writing that he/she received and read the notice which states that their position has been designated for random drug testing and that refusal to submit to testing will result in initiation of disciplinary action, up to and including dismissal.

(2) If the employee refuses to sign the acknowledgement, the employee's supervisor shall note on the acknowledgement form that the employee received the notice. This acknowledgement shall be centrally collected for easy retrieval by PER and is advisory only. An employee's failure to sign the notice shall not preclude testing that employee, or otherwise affect the implementation of this plan since the general 60-day notice will previously have notified all FLETC employees of the requirement to be drug-free.

d. Administrative Relief. If an employee believes his or her position has been wrongly defined as a testing designated position, that employee may file a request for redetermination under either the negotiated grievance procedures or the administrative grievance system, whichever is applicable.

16. FINDING OF DRUG USE AND DISCIPLINARY CONSEQUENCES.

a. Determination. An employee may be found to use illegal drugs on the basis of any appropriate evidence including, but not limited to: direct observation; evidence obtained from an arrest or criminal conviction; a verified positive test result; or an employee's voluntary admission.

b. Mandatory Administrative Actions. The FLETC shall refer an employee found to use illegal drugs to the EAP and, if the employee occupies a sensitive position, immediately remove the employee from that position without regard to whether it is a testing designated position. At the discretion of the Director, however, and as part of an EAP, an employee may return to duty in a sensitive position if the employee's return would not endanger public health or safety or national security.

c. Range of Consequences. The severity of the disciplinary action taken against an employee found to use illegal drugs will depend on the circumstances of

each case, be consistent with EO 12564, and include the full range of disciplinary actions; for example:

- (1) Reprimanding the employee in writing;
- (2) placing the employee in an enforced leave status;
- (3) suspending the employee for 14 days or less;
- (4) suspending the employee for 15 days or more;
- (5) suspending the employee until the employee successfully completes the EAP or until FLETC management determines that action other than suspension is more appropriate;
- (6) reducing the employee in pay or grade; or
- (7) removing the employee from service.

d. Initiation of Mandatory Removal From Service. All letters to propose and decide on a separation action will be developed in consultation with the Personnel Officer. The FLETC shall initiate action to remove an employee for (1) refusing to obtain counseling or rehabilitation through an EAP as required by EO 12564; (2) having been found to use illegal drugs; and/or (3) having been found not to have refrained from illegal drug use after a first finding of illegal drug use.

e. Refusal To Take Drug Test When Required. An employee who refuses to be tested when so required will be subject to the full range of disciplinary action, including dismissal. Attempts to alter or substitute the specimen provided will be deemed a refusal to take the drug test when required. No applicant who refuses to be tested shall be extended an offer of employment.

f. Voluntary Referral. Under EO 12564, the FLETC is required to initiate action to discipline any employee found to use illegal drugs in every circumstance except when an employee voluntarily admits his or her drug use, completes counseling, and refrains from drug use. The decision whether to discipline a voluntary referral will be made on a case-by-case basis depending upon the facts and circumstances. Although an absolute bar to discipline cannot be provided for certain positions because of their extreme sensitivity, the FLETC, in determining whether to discipline, shall consider that the employee has come forward voluntarily. In coming forward voluntarily, an employee may volunteer for a drug test as a means of identification. Although this self-identification test may yield a verified positive test result, such result

shall not constitute a second finding of illegal drug use for purposes of considering the disciplinary consequences herein.

17. RANDOM TESTING.

a. Position Titles Designated For Random Drug Testing. The position titles designated for random drug testing are listed in the Attachment, along with the criteria, procedures, and justification applied in designating such positions for drug testing. As determined by the Director pursuant to the criteria established in EO 12564 and this Plan, additional positions may be added, or those previously designated may be deleted.

b. Determining The Testing Designated Position.

(1) Among the partial list of factors the Director considers in determining a testing designated position are the extents to which the FLETC (a) considers its mission inconsistent with illegal drug use; (b) is engaged in law enforcement; (c) must foster public trust by preserving employee reputation for integrity, honesty and responsibility; (d) has national security responsibilities; (e) has drug interdiction responsibilities; or (f) the extent to which the position considered authorizes employees to carry firearms, gives employees access to sensitive information, or authorizes employees to engage in law enforcement; requires employees, as a condition of employment, to obtain a security clearance; or requires employees to engage in activities affecting public health or safety.

(2) These positions are characterized by critical safety or security responsibilities as related to the mission of the FLETC. The job functions associated with these positions directly and immediately relate to public health and safety, the protection of life and property, law enforcement, or to national security. These positions are identified for random testing because they require the highest degree of trust and confidence.

(3) Moreover, pursuant to 42 U.S.C. 290dd(b)(2), the Director has determined that all positions which have been or will be designated as testing designated positions under this plan are "sensitive positions," and, therefore, exempted from coverage under 42 U.S.C. 290dd(b)(1) which provides that no person may be denied or deprived of Federal civilian employment or a Federal professional or other license or right solely on the basis of prior drug abuse.

c. Employees In Testing Designated Positions. EO 12564 requires random testing for employees in sensitive testing designated positions. Therefore, the

population of employees subject to the random drug testing program includes all employees in the positions specified in the Attachment.

d. Implementing Random Testing. In implementing the program of random testing, the Drug Program Coordinator shall ensure that the means of random selection remains confidential and shall evaluate periodically whether the numbers of employees tested and the frequency with which those tests will be administered satisfy the FLETC's duty to achieve a drug-free work force.

e. Notification Of Selection. An individual selected for random testing and the individual's first-line supervisor shall be notified the same day the test is scheduled, preferably within two hours of the scheduled testing. The supervisor shall explain to the employee that the employee is under no suspicion of taking drugs and that the employee's name was selected randomly.

f. Deferral Of Testing. An employee selected for random drug testing may obtain a deferral of testing if the employee's first-line and second-line supervisors concur that a compelling need necessitates a deferral on the grounds that the employee is in a leave status (sick, annual, administrative, or leave without pay); or on official travel status away from the test site; or is about to embark on official travel scheduled prior to testing notification. An employee whose random drug test is deferred will be subject to an unannounced test within the following 60 days.

18. REASONABLE SUSPICION TESTING.

a. Reasonable suspicion testing may be required of any employee in a position which is designated for random testing when there is a reasonable suspicion that the employee uses illegal drugs, whether on or off duty. Reasonable suspicion testing may also be required of any employee in any position when there is a reasonable suspicion of on-duty use or on-duty impairment.

b. Grounds. Reasonable suspicion testing may be based upon, among other things: observable phenomena such as direct observation of drug use or possession and/or the physical symptoms of being under the influence of a drug; a pattern of abnormal conduct or erratic behavior; arrest or conviction for a drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, distribution, or trafficking; information provided either by reliable and credible sources or which has been independently corroborated; or newly discovered evidence that the employee has tampered with a previous drug test. Although reasonable suspicion testing does not require certainty, mere "hunches" are not sufficient to meet this standard.

c. Procedures. If an employee is suspected of using illegal drugs, the appropriate supervisor will gather all information, facts, and circumstances leading to and supporting this suspicion. Only the Director has approval authority to authorize testing of an employee based on reasonable suspicion findings. When reasonable suspicion has been established, the appropriate supervisor will promptly detail, for the record and in writing, the circumstances which formed the basis to warrant the testing. A written report will be prepared to include, at a minimum, the appropriate dates and times of reported drug related incidents, reliable/credible sources of information, rationale leading to the test, findings of the test, and the action taken.

d. Obtaining The Sample. The employee may be asked to provide the urine sample under observation in accordance with the criteria in paragraph 21b.

e. Supervisory Training. In accordance with paragraph 12, supervisors will be trained to address illegal drug use by employees, to recognize facts that give rise to a reasonable suspicion, and to document facts and circumstances to support a finding of reasonable suspicion. Failure to receive such training, however, shall not invalidate otherwise proper reasonable suspicion testing.

19. APPLICANT TESTING.

a. FLETC Applicants. To maintain the high professional standards of the FLETC's workforce, it is imperative that individuals who use illegal drugs be screened out during the initial employment process before they are placed on the employment rolls of, or assigned to, the FLETC. Therefore, a urinalysis test will be required of, and administered to, all applicants actively being considered for testing designated positions. This procedure will have a positive effect on reducing instances of illegal drug use by employees working within the Department of the Treasury and will provide for a safer work environment.

b. Participating Organization Applicants. Individuals selected for detail assignments of at least one year in a FLETC testing designated position will not be required to be tested provided they have been part of their agency's drug testing program and will continue to be covered under that program. If the selectee comes from an agency which does not have a drug testing program, the individual will be treated in the same fashion as a FLETC applicant for a testing designated position.

c. Vacancy Announcements. Every vacancy announcement for positions designated for applicant testing shall state: "All applicants tentatively selected for this position will be required to submit to a urinalysis to screen for illegal drug use prior to appointment." In addition, the applicant will be notified that appointment or assignment

to the position will be contingent upon a negative drug test result. Failure of the vacancy announcement to contain this statement will not preclude applicant testing if advance written notice is provided applicants in some other manner.

d. Procedures. The Personnel Officer shall direct applicants to an appropriate collection facility. The drug test must be undertaken as soon after notification as possible, and no later than 48 hours after notice to the applicant. Where appropriate, applicants may be reimbursed for reasonable travel expenses. Applicants will be advised of the opportunity to submit medical documentation that may support a legitimate use for a specific drug and that such information will be reviewed only by the MRO to determine whether the individual is licitly using an otherwise illegal drug.

e. Consequences. The FLETC will decline to extend a final offer of employment to any applicant with a verified positive test result; and such applicant may not reapply to the FLETC for a period of six months. The Personnel Officer will object to the applicant on the basis of failure to pass the physical, a lack of personal characteristics necessary to relate to public employment, or failure to support the goals of the FLETC. The Personnel Officer shall inform the applicant that a confirmed presence of a drug in the applicant's urine precludes the FLETC from hiring, promoting, or assigning the applicant.

20. ADDITIONAL TYPES OF DRUG TESTING.

a. Injury, Illness, Unsafe, or Unhealthful Practice Testing. The FLETC is committed to providing a safe and secure working environment. It also has a legitimate interest in determining the cause of serious accidents so that it can undertake appropriate corrective measures. Post-accident drug testing can provide invaluable information in furtherance of that interest. Accordingly, employees may be subject to testing when, based upon the circumstances of the accident, their actions are reasonably suspected of having caused or contributed to an accident that meets the following criteria:

(1) The accident results in a death or personal injury requiring immediate hospitalization; or

(2) the accident results in damage to government or private property estimated to be in excess of \$10,000.00.

If an employee is suspected of having caused or contributed to an accident meeting the above criteria, the appropriate supervisor will present the facts leading to this suspicion to the immediate supervisor for approval. Once approval has been obtained and

arrangements made for testing, the supervisor will prepare a written report detailing the facts and circumstances that warranted the testing.

b. Voluntary Testing. In order to demonstrate their commitment to the FLETC's goal of a drug-free workplace and to set an example for other Federal employees, employees not in testing designated positions may volunteer for unannounced random testing by notifying the DPC. These employees will then be included in the pool of testing designated positions subject to random testing and be subject to the same conditions and procedures, including the provisions of paragraph 17 of this plan. Volunteers shall remain in the testing designated position pool for the duration of the position which the employee holds, or until the employee withdraws from participation by notifying the DPC of such intent at least 48 hours prior to a scheduled test.

c. Follow-Up Testing. All employees referred through administrative channels who undergo a counseling or rehabilitation program for illegal drug use through the EAP will be subject to unannounced testing following completion of such a program for a period of one year. Such employees shall be tested at the amount stipulated in the abeyance contract or in the rehabilitation plan at an increased frequency of at least four times. Such testing is distinct from testing which may be imposed as a component of the EAP.

21. TEST PROCEDURES IN GENERAL.

a. Technical Guidelines For Drug Testing. The FLETC shall adhere to all scientific and technical guidelines for drug testing programs promulgated by HHS consistent with the authority granted by EO 12564, and to the requirements of Section 503 of the Act. The FLETC's drug testing program shall have professionally trained collection personnel, a laboratory certification program, rigorous analytical standards and quality assurance requirements for urinalysis procedures, and confidentiality requirements.

b. Privacy Assured. Any individual subject to testing under this plan shall be permitted to provide urine specimens in private in a rest room stall or similar enclosure so that the employee is not observed while providing the sample. Collection site personnel of the same gender as the individual tested, however, may observe the individual provide the urine specimen when such personnel have reason to believe the individual may alter or substitute the specimen to be provided. Collection site personnel may have reason to believe that a particular individual may alter or substitute the specimen to be provided when:

- (1) Facts and circumstances suggest that the individual is an illegal drug user;
- (2) facts and circumstances suggest that the individual is under the influence of drugs at the time of the test;
- (3) the individual has previously been found by the FLETC to be an illegal drug user;
- (4) facts and circumstances suggest that the individual has equipment or implements capable of tampering or altering urine samples; or
- (5) the individual has previously tampered with samples.

c. Failure To Appear For Testing. Failure to appear for testing without a deferral will be considered refusal to participate in testing. This will subject an employee to the full range of disciplinary actions, including dismissal, and an applicant to the cancellation of an offer of employment. If an individual fails to appear at the collection site at the assigned time, the collector shall contact the Personnel Officer to obtain guidance on action to be taken.

d. Opportunity To Justify A Positive Test Result.

(1) When a confirmed positive result has been returned by the laboratory, the MRO shall perform the duties set forth in the HHS Guidelines. For example, the MRO may choose to conduct employee medical interviews, review employee medical history, or review any other relevant biomedical factors. The MRO must review all medical records made available by the tested employee when a confirmed positive test could have resulted from legally prescribed medication. Evidence to justify a positive result may include, but is not limited to, a valid prescription or verification of a valid prescription from the individual's physician.

(2) Individuals are not entitled, however, to present evidence to the MRO in a trial-type administrative proceeding although the MRO has the discretion to accept evidence in any manner he/she deems most efficient or necessary. If the MRO determines there is no justification for the positive result, such result will then be considered a verified positive test result. The MRO shall immediately contact the Personnel Officer upon obtaining a verified positive test result.

e. Employee Counseling And Assistance. While participating in a counseling or rehabilitation program and at the request of the EAP Coordinator, the employee may be exempted from the random testing designated position pool for a period not to exceed 60 days, or for a time period specified in an abeyance contract or

rehabilitation plan approved by the Director. Upon completion of the program, the employee immediately shall be subject to follow-up testing pursuant to paragraph 20c.

f. Savings Clause. To the extent that any of the procedures specified in this section are inconsistent with any of those specified in the Scientific and Technical Guidelines promulgated by HHS, or any subsequent amendment thereto, such HHS Guidelines or amendment shall supersede the procedures specified in this section, but only to the extent of the inconsistency.

22. RECORDS AND REPORTS. For purposes of this section, "management official" includes any management or government official whose duties necessitate review of the test results to process adverse personnel action against the employee.

a. Confidentiality Of Test Results.

(1) The laboratory may disclose laboratory test results only to the MRO. Any positive result which the MRO justifies by licit and appropriate medical or scientific documentation to account for the result as other than the intentional ingestion of an illegal drug will be treated as a negative test result and may not be released for purposes of identifying illegal drug use. Test results will be protected under the provisions of the Privacy Act, 5 U.S.C. §552a, et seq., and Section 503(e) of the Act. The MRO may maintain only those records necessary for compliance with this plan. Any records of the MRO, including drug test results, may be released to any management official for purposes of auditing the activities of the MRO, except that the disclosure of the results of any audit may not include the personal identifying information of any employee.

(2) In order to comply with Section 503(e) of the Act, the results of a drug test of a FLETC employee may not be disclosed without the prior written consent of such employee, unless the disclosure would be (a) to the MRO; (b) to the Personnel Officer (DPC) and the EAP Coordinator; (c) to any supervisory or management official within the FLETC having authority to take adverse personnel action against such employee; or (d) when pursuant to the order of a court of competent jurisdiction or where required by the United States Government to defend against any challenge against any adverse personnel action.

(3) Test results with all identifying information removed shall also be made available to Treasury's Office of Personnel for data collection and other activities necessary to comply with Section 503(f) of the Act.

b. Access To Records.

(1) Any employee who is the subject of a drug test shall, upon written request, have access to any records relating to such employee's drug test; and the results of any relevant certification, review, or revocation of proceedings, as referred to in Section 503(a)(1)(A)(ii)(III) of the Act.

(2) An applicant who is the subject of a drug test shall not be entitled to this information except as authorized by law.

c. Confidentiality Of Records In General. All drug testing information specifically relating to individuals is confidential and should be treated as such by anyone authorized to review or compile program records. In order to efficiently implement this order and to make information readily retrievable, the Personnel Officer shall maintain all records relating to reasonable suspicion testing, suspicion of tampering evidence, and any other authorized documentation necessary to implement this plan. All records and information of the personnel actions taken on employees with verified positive test results should be forwarded to the Personnel Officer. Such shall remain confidential, locked in a combination safe, with only authorized individuals who have a "need-to-know" having access to them.

d. Employment Assistance Program Records. The EAP Coordinator shall maintain only those records necessary to comply with this plan. After a supervisor refers an employee to an EAP, the EAP will maintain all records necessary to carry out its duties. All medical and/or rehabilitation records concerning the employee's drug abuse, including EAP records of the identity, diagnosis, prognosis, or treatment are confidential and may be disclosed only as authorized by 42 CFR Part 2, including the provision of written consent by the employee. With written consent, the patient may authorize the disclosure of those records to the patient's employer for verification of treatment or for a general evaluation of treatment progress. (42 CFR §2.1 et seq. (1995).

e. Maintenance Of Records. The FLETC shall establish or amend a system to maintain the records of the FLETC's Drug Free Workplace Program consistent with the FLETC's Privacy Act System of Records and with all applicable federal laws, rules, and regulations regarding confidentiality of records including the Privacy Act, 5 U.S.C. §552a. If necessary, records may be maintained as required by subsequent administrative or judicial proceedings, or at the discretion of the Director, FLETC. The record keeping system shall capture sufficient documents to meet the operational and statistical needs of this plan and will include notices of verified positive test results referred by the MRO; written materials justifying reasonable suspicion testing or evidence that an individual may have altered or tampered with a specimen; anonymous

statistical reports; and other documents the Personnel Officer, MRO, or EAP Coordinator deems necessary for efficient compliance with this plan.

f. Records Maintained By Government Contractors. Any contractor hired to satisfy any part of this Directive shall comply with the confidentiality requirements of this plan, and all applicable Federal laws, rules, regulations, and guidelines.

g. Statistical Information. The Personnel Officer shall collect and compile statistical data for reporting the number of random tests, reasonable suspicion tests, accident or unsafe practice tests, follow-up tests, or applicant tests administered; verified positive test results; voluntary drug counseling referrals; involuntary drug counseling referrals; terminations or denial of employment offers resulting from refusal to submit to testing; terminations or denial of employment offers resulting from alteration of specimens; terminations or denial of employment offers resulting from failure to complete a drug abuse counseling program; and employees who successfully complete the EAP for drug counseling. These data, along with other pertinent information, shall be compiled for inclusion in the Treasury's annual report to Congress required by Section 503(f) of the Act. These data shall also be provided to HHS on a semi-annual basis to assist in overall program evaluation and to determine whether changes to the HHS Guidelines may be required.

23. OFFICE OF PRIMARY INTEREST. Personnel Division, Office of Administration.

Charles F. Rinkevich
Director

Attachment

POSITIONS DESIGNATED FOR RANDOM TESTING

This attachment lists those positions that have been identified as testing designated positions (TDPs). Employees in these positions have an equal statistical chance of being selected for testing within a specified time frame. A random sample comprising 30 per cent of the total number of TDPs will be selected each year for unannounced testing, which could occur on any scheduled workday.

CRITERIA AND PROCEDURES USED TO IDENTIFY TDPs

In determining which positions to identify as TDPs subject to random selection for unannounced testing, the Federal Law Enforcement Training Center (FLETC) took the following steps. First, position descriptions were reviewed for accuracy. Second, every position in the Center was reviewed to ensure that sensitivity levels had been accurately designated. Third, all the positions described were reviewed to determine whether they fell within the pool identified by Section 7(d) of EO 12564. Those positions designated as within the pool were more closely examined to determine the extent to which such positions operate independently (without significant levels of review) or are primarily administrative in nature, as well as the likely risk of harm to the public or impact on the agency as a result of errors or misconduct on the part of incumbents in these positions. Particular consideration was given to the existence of internal controls that minimize the risk of adverse impact as a result of errors or misconduct at various organizational levels.

Those sensitive positions identified as operating independently and in areas where the potential risk to the public or the agency is great and cannot be minimized by internal controls were reexamined to determine whether the assumptions made regarding risk and control were accurate and sufficient to outweigh the intrusion on an individual's right of privacy that results from selection for drug-testing. The drug impact statements contained in this attachment articulate these concerns and ensure that no position has been improperly identified.

The statements identify each TDP by job title and organizational location, describe the duties or characteristics of the position that justify its identification as a TDP, and specify the adverse consequences that might occur if an incumbent in that position were to use illegal drugs. A current justification for each TDP shall remain on file with the Personnel Officer and shall be available for inspection. On a periodic basis, the Personnel Officer shall review the statements to ensure overall consistency with the FLETC Drug-Free Workplace Plan.

1. Director, ES-301
Deputy Director, ES-301

Incumbents are charged with the responsibility of providing overall organization, management, direction, delivery, and control of the FLETC. In addition, they provide the impetus for establishing and monitoring long-range Center plans and goals. They must maintain a thorough familiarity with all developments in law enforcement activities. In executing the Center's role as the nation's primary law enforcement training facility for more than 70 participating Federal organizations and a vast number of state and local organizations, the incumbents are required to develop and implement sophisticated instructional programs that satisfy heterogeneous law enforcement training requirements.

Position incumbents have a Top Secret clearance with access to extremely sensitive information and are responsible for providing executive direction to the Center's training programs and support activities. Incumbents must possess the expertise necessary to direct the training of the Nation's law enforcement workers and to solve a wide range of instructional problems that affect the basic and advanced training for Federal law enforcement personnel and the advanced training for state and local law enforcement personnel. Policy decisions influenced or impaired by the use of illegal drugs could result in gross mismanagement of the Nation's law enforcement training mission.

2. Assistant Director, Office of General Training, ES-301
Assistant Director, Office of Special Training, ES-301
Assistant Director, Office of State, Local, and International Training, GM/GS-301
Assistant Director, Office of Artesia Operations, GM/GS-301
Assistant Director, Washington Office, ES-301
Deputy Assistant Director, Washington Office, GM/GS-301
Assistant to the Director, Director's Office, GM/GS-301

Incumbents are responsible for formulating and implementing policies and procedures for police/investigator training activities. These duties require considerable experience as a law enforcement manager, knowledge of the relationships among law enforcement jurisdiction of various agencies, and an awareness of continuing advances in investigative/police technology.

Position incumbents possess Top Secret clearances having access to highly sensitive information. They are responsible for (1) the direction, planning, and coordination of the training of U.S. Government law enforcement offices except for the FBI and DEA, and (2) advanced training for state and local law enforcement officers.

Illegal drug use by an incumbent could result in improper administration of the Nation's law enforcement training mission.

3. Assistant Director, Office of Administration, ES-301
Deputy Assistant Director, Office of Administration, GM/GS-301

Incumbents are responsible for the operation of the Office of Administration which includes the security, safety, and health of students and staff. They also participate fully in the formulation and execution of Center policies and activities as they affect the training of law enforcement officers.

Position incumbents have Top Secret clearances with access to highly sensitive information. They are responsible for the development of unified and broad-based approaches to the implementation of FLETC administrative programs and objectives as they relate to the training of the Nation's law enforcement officers.

4. Attorney-Adviser (General), GM/GS-905

Incumbents serve as Legal Counsel to the FLETC, responsible for providing legal advice and counsel to the FLETC's Director and senior staff. They are responsible for (1) interpreting the statutes and regulations that concern the operations of the Center, (2) preparing legal opinions, (3) drafting proposed legislation, and (4) preparing litigation reports/administrative regulations as required.

Position incumbents have Top Secret clearances with access to extremely sensitive information and must have extended training/experience and a high degree of ability to solve the most difficult and complicated legal problems affecting the law enforcement mission or operation of the FLETC. Drug usage could result in gross mishandling of legal issues/decisions affecting the Nation's law enforcement training mission.

5. Chief, Enforcement Techniques Division, GM/GS-301, 1712, 1801, or 1811
Chief, Legal Division, GM/GS-301, 1712, 1801, or 1811
Chief, Behavioral Science Division, GM/GS-301, 1712, 1801, or 1811
Chief, Security Specialties Division, GM/GS-301, 1801, or 1811
Chief, FLETC Management Institute, GS-301
Chief, Enforcement Operations Division, GM/GS-301, 1801, or 1811
Chief, Program Support Division, GM/GS-301, 1801, or 1811
Chief, Research & Evaluation Division, GM/GS-1701
Chief, Financial Fraud Institute, GM/GS-301, 1712, 1801, or 1811
Chief, Firearms Division, GM/GS-301, 1712, 1801, or 1811

Chief, Driver and Marine Division, GM/GS-301, 1712, 1801, or 1811
Chief, Physical Techniques Division, GM/GS-301, 1712, 1801, or 1811
Chief, Training Operations Division, GM/GS-301, or 1811
Chief, Artesia Training Division, GM/GS-301
Chief, Artesia Administrative Division, GM/GS-301
Assistant Division Chief and Branch Chief (Located in all areas stated above)

Incumbents are responsible for the overall performance and the technical activities of course developers/training instructors. These subordinates are engaged in classroom instruction of law enforcement officers/criminal investigators and are responsible for administering specific law enforcement training programs. Incumbents are charged with developing and executing policies consistent with mission intent. They are responsible for the design, development, and manner in which law enforcement subject matter is presented by negotiating with the specific agency on course content and objectives, assessment and test validation, and supervision of students. Division, Assistant Division, and Branch Chiefs are also involved in classroom instruction and practical exercises with direct contact with law enforcement students.

Illegal drug use by incumbents could result in the Nation's law enforcement officers not properly handling their responsibilities which could affect adversely the judicial/investigation process.

6. Senior Instructor, GS-1712, 1801, or 1811
Lead Instructor, GS-1712, 1801, or 1811
Instructor, GS-1712, 1801, or 1811
Course Developer/Instructor, GS-1811
Training Instructor, GS-1712 or 1801

Incumbents' major functions are to provide high quality training to criminal investigators and law enforcement officers from more than 70 different participating Federal organizations, and to instill the knowledge, skills and attitudes needed for the highest possible proficiency on the job. Advanced or specialized training is also provided to state and local law enforcement officers, military investigators, and law enforcement officials of other nations.

These position incumbents have experience in maintaining surveillance; performing undercover work; making arrests; taking part in raids; following leads that indicate a crime has been committed; interviewing and interrogating suspects and witnesses; using informants to get leads on information; or being subject matter experts in specialized areas. They deal face-to-face with law enforcement students

conducting hand-to-hand physical techniques, simulated weapons operations, search and seizure, and surveillance techniques creating actual simulations of the law enforcement environment in which students will be working.

These instructors deal in a variety of categories such as firearms instruction, driver training, and physical techniques. Illegal drug usage by incumbents could result in improper use of firearms or motor vehicles and physical harm to the students.

7. Chief, Security and Safety Division, GM/GS-301
Safety and Occupational Health Manager, GS-018
Safety and Occupational Health Specialist, GS-018
Environmental Protection Specialist, GS-028
Security Specialist, GS-080

Incumbents are responsible for a 24-hour accident prevention, safety, and occupational health program. In addition, they are responsible for the FLETC security program which includes area perimeter security, physical security of buildings, container lock/key control, security alarms for many sensitive areas, and serving as the Contracting Officer's Representative (COTR) for the security police services contract. These positions are involved with the protection of life and property, health and safety. Position incumbents may carry firearms on duty. Drug usage could seriously undermine on-site investigations in that dangers on the job could go unnoticed, thereby presenting a hazardous situation to all Center personnel.

8. Medical Officer, GS-602
Physician's Assistant, GS-603
Occupational Health Nurse, GS-610
Practical Nurse, GS-620

Incumbents provide a program to deal effectively with the health of law enforcement students and Federal employees located at the FLETC in relation to their training or work. This includes providing treatment for injuries and illnesses occurring on the Center and conducting medical screening of incoming students involved in special training program activities.

These positions have responsibility for maintaining health unit supplies which include controlled substances. All have extensive medical training and are responsible for referring patients with substance abuse problems. They are involved in administering the random drug testing program. Drug usage could result in the loss of patient's lives or patient injury.

9. Personnel Officer, GM/GS-201
Labor Relations Specialist, GM-233

Incumbents are responsible for implementing and managing the drug testing program and for ensuring that the EAP meets the FLETC needs. Drug usage could result in misuse of the FLETC drug testing program.

10. Employee Relations Specialist, GS-230

The incumbent is responsible for the administration of a personnel program concerned with supervisor-employee relationships. Position incumbent is responsible for providing counseling and treatment services authorized under the Drug-Free Workplace Plan. Drug use could result in adverse impact on the drug program since employees depend upon incumbent for assistance with their own drug-related problems.

11. Chief, Procurement Division, GS-1102

Incumbent is responsible for the overall performance and technical activities of the entire procurement process for the Center. Participates fully in the execution of purchases of law enforcement equipment which is sensitive in nature (includes a variety of firearms). Position incumbent has a Top Secret clearance having access to extremely sensitive information relating to the Nation's law enforcement mission. Illegal drug use could result in significant misuse of public funds allocated for law enforcement purposes.

12. Secretary, (Steno, OA) Office of the Director, GS-318
Secretary (Steno, OA) (Legal Counsel), GS-318

Incumbents serve as the confidential personal assistant to the Director, Deputy Director, and Legal Counsel of the Center. They participate in the direction and delivery of actions involving the Nation's law enforcement mission. Position incumbents have Top Secret clearances with access to extremely sensitive information - the same information possessed by the highest levels of management at the Center. Illegal drug use could result in disclosure of information affecting national security.

13. Small Arms Repairer, WG-6610

Incumbent is responsible for proper maintenance and inspection of critical weapons parts and for repairing or rebuilding weapons as needed. He/she has state-of-the-art weapons technology and, as such, has immediate access to all firearms used

by the Center. Illegal drug use could result in substantial physical injury to other persons.

14. Strategic Planning Officer, GS-301

Incumbent is responsible for technical advice to the Director on strategic goals and policy regarding all law enforcement aspects of the Center. He/she represents the Center to other agencies, the Congress, and the public on all Government Performance Results Act requirements. Position incumbent has a Secret clearance having access to sensitive information affecting the Nation's law enforcement mission. Illegal drug use could result in improper administration of the Nation's law enforcement training.